

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EDGAR AGOSTO RODRIGUEZ

DEBTOR

BANCO POPULAR DE PUERTO RICO

MOVANT

V.

EDGAR AGOSTO RODRIGUEZ
JOSE RAMON CARRION MORALES
CHAPTER 13 TRUSTEE

RESPONDENTS

CASE NO 16-01980 MCF

CHAPTER 13

**DEBTOR'S RESPONSE TO MOTION FOR RELIEF FROM STAY
DOCKET NO. 28**

TO THE HONORABLE COURT:

NOW COMES, EDGAR AGOSTO RODRIGUEZ, debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. On November 10, 2016, Banco Popular de Puerto Rico ("BPPR") filed a motion for relief from stay in the present bankruptcy case, docket no. 28, basically alleging that the debtor is in arrears in the post-petition direct mortgage loan payments to said creditor in the sum of \$2,963.52, including late charges, costs and attorneys fees.

2. The debtor respectfully states that he did incur in the aforesated post-petition arrears for the reason that his motor vehicle, a 1997 Hyundai Accent, was involved in a car

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accident and the same was damaged (“total loss”) and the debtor has had to incur in certain extraordinary transportation expenses. Notwithstanding, the debtor is now able to continue making current post-petition mortgage loan payments to BPPR and proposes to cure the aforestated post-petition arrears through the Trustee, and commence making current direct payments to BPPR commencing in November, 2016.

3. The debtor respectfully submits that on this same date, November 23, 2016, he filed an *Post-Confirmation Modified Chapter 13 Plan Under 11 USC 1329*, in order to provide for payment, through the Trustee of the sum of \$2,342.52, the sum owed to BPPR for said post-petition arrears (less the November/2016 payment of \$621), in order to cure the post-petition arrears, pursuant to BPPR’s 362 motion, docket entry #28.

4. Based on the aforestated, the debtor hereby respectfully requests this Honorable Court, upon confirmation of the debtor’s proposed post-confirmation modified Plan, to deny the motion requesting relief from stay filed by BPPR in the present case, docket no. 28.

WHEREFORE, debtor respectfully requests from this Honorable Court to deny the motion for relief from stay filed by BPPR, docket no. 28, since the post-petition mortgage loan arrears claimed by BPPR are to be paid through the debtor’s proposed Plan, dated November 23, 2016, in the above captioned case.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system, which will send notification of same to: the Chapter 13 Trustee, Jose R. Carrion Morales, Esq.; Jose J. Sanchez Velez, Esq.,

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Bermudez Diaz & Sanchez, LLP, Counsel for BPPR; I also certify that a copy of this motion was sent via regular mail to the debtor/respondent Edgar Agosto Rodriguez, Jardines de Yabucoa 1029 Calle Italia Yabucoa PR 00767.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 23rd day of November, 2016.

/s/Roberto Figueroa Carrasquillo
USDC #203614
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR DEBTOR/RESPONDENT
PO BOX 186 CAGUAS PR 00726
TEL NO 787-744-7699 FAX NO 787-746-5294
Email: rfigueroa@rfclawpr.com